

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Oscar Loveless, Jr.
P.O. Box 1400
Andrews, S.C. 29510.

File Number: 2004-123219

**Consent Order
Imposing Administrative Penalty**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Oscar Loveless, Jr., a licensed South Carolina resident insurance producer.

Upon review of this matter, I hereby find as fact that above named respondent, while licensed to do business as a resident insurance producer within the State of South Carolina for Chesapeake Life Insurance Company, did provide wrong information on a prospective policyholder, to said Insurer. Mr. Loveless acknowledges this, and understands that these actions can ultimately lead to the revocation of his license to transact the business of Insurance as a producer in South Carolina, following a public hearing at the Administrative Law Court.

Prior to the initiation of any administrative proceedings by the Department against him, Mr. Loveless and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal public hearing. The consensual recommendation was that Mr. Loveless would waive his right to a public hearing, and immediately pay an administrative penalty through the Department in the amount of \$1,500.00 dollars.

Section 38-43-130 of the South Carolina Code of Administrative Laws grants the Director of Insurance the power to revoke an insurance producer's license for violating any of South Carolina' Insurance laws or regulations. Furthermore, Subsection (C)(8) specifically addresses the issue subject of the allegation raised against you, by adding..."the Director or his designee may place on Probation, Revoke, or Suspend a producer's license after ten days' notice or refuse to issue or reissue a license, when it appears that a producer has willfully deceived or dealt unjustly with the citizens of this State, to include, but not limited to, action or inaction by the producer...by using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this State or elsewhere."

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Oscar Loveless, jr. had violated S.C. Code Ann. § 38-43-130 (Supp.2004). As a result, I can now take administrative disciplinary action against his resident insurance producer's license. However, under the discretionary authority provided to me within S.C. Code Ann. § 38-43-130 (Supp. 2004), and after carefully considering the recommendation

of the parties, I hereby impose against respondent an administrative penalty in the amount of \$1,500.00 dollars. That penalty must be paid within fifteen days of the date of receipt of this Consent Order. Failure to do so, or if respondent is found to be in violation of any of the State's Insurance Laws within that period, his resident insurance producer's license will be immediately revoked without any further disciplinary proceedings.

The parties have reached this agreement in consideration of the Department having never taken any administrative disciplinary action against Oscar Loveless before, and of respondent's assurances that in the future he will fully comply with the State's insurance laws. The parties expressly agree and understand that this resolution constitutes full accord and satisfaction of this matter.

By his signature upon this consent order, Oscar Loveless, Jr. acknowledges that he understands that this administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2004).


Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the Law relative to the business of Insurance or the provisions of this Title which he considers necessary to report." S.C. Code Ann. § 38-3-110 (4) (Supp. 2004).

It is, therefore, ordered that Oscar Loveless, Jr. shall, within fifteen days of the date of receipt of this consent order, pay through the Department an administrative penalty in the total amount of \$1,500.00 dollars.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in Mr. Loveless' licensing file.

This order becomes effective as of the date of my signature below.


Eleanor Kitzman
Director

 6, 2005, at
March
Columbia, South Carolina

I CONSENT:



Oscar Loveless, Jr.
Post Office Box 1400
Andrews, S.C. 29510.

Dated this *15* day of March, 2005.